



**CITY OF SUNNYVALE  
REPORT  
Administrative Hearing**

**April 28, 2004**

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**SUBJECT:**            **2004-0249 – Abigail O’Connell [Applicant] Lucern Properties, LLC [Owner]**: Application on a 1.6 acre site located at **790 Lucerne Drive** in an M-S (Industrial & Service) Zoning District (APN: 205-32-005);

Motion                      Use Permit to allow a ceramic art studio and pottery classes in an industrial building.

**REPORT IN BRIEF**

**Existing Site Conditions**            Commercial building with research and development office uses.

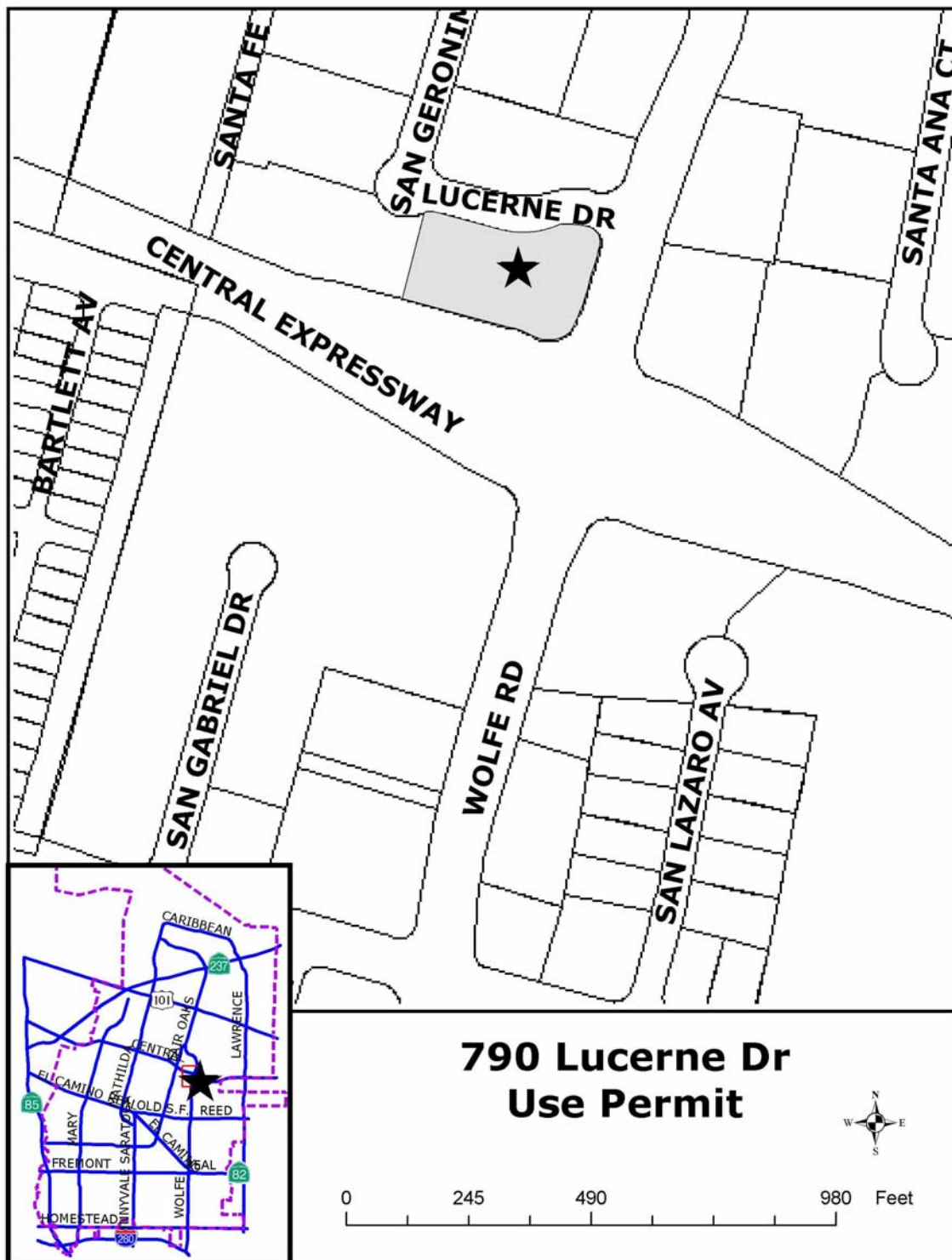
**Surrounding Land Uses**

North	Manufacturing, Research and Development, Office
South	Manufacturing, Research and Development, Office
East	Manufacturing, Research and Development, Office
West	Manufacturing, Research and Development, Office

**Issues**                              Compatibility of the proposed use with the existing surrounding uses.

**Environmental Status**            A Class 1 Categorical Exemption relieves this project from California Environmental Quality Act provisions and City Guidelines.

**Staff Recommendation**            Approval with conditions



**PROJECT DATA TABLE**

	<b><u>EXISTING</u></b>	<b><u>PROPOSED</u></b>	<b><u>REQUIRED/ PERMITTED</u></b>
<b>General Plan</b>	Industrial	Same	Same
<b>Zoning District</b>	MS	Same	---
<b>Lot Size (s.f.)</b>	70,132 sf	Same	22,500 sf min.
<b>Gross Floor Area (s.f.)</b>	20,000 sf	Same	24,546 sf max.
<b>Lot Coverage (%)</b>	29%	Same	45% max.
<b>Floor Area Ratio (FAR)</b>	29%	Same	35% max.
<b>No. of Buildings on Site</b>	1	Same	2 max.
<b>No. of Stories</b>	1	Same	8 max.
<b>No. of Tenants</b>	2	Same	---
<b>Setbacks (facing prop.)</b>			
• <b>Front</b>	56'	Same	25' min.
• <b>Left Side</b>	71'	Same	0' min. Total 20'
• <b>Right Side</b>	71'	Same	0' min. Total 20'
• <b>Rear</b>	53'	Same	0' min.
<b>Landscaping</b>			
• <b>Landscaping (s.f.)</b>	16,832 (24%)	Same	20% min.
<b>Parking</b>			
• <b>Total No. of Spaces</b>	87	Same	62 min.
• <b>No. of Standards</b>	87	Same	44 min.
• <b>No. of Compacts / % of total</b>	0	Same	43 max.
• <b>No. of Accessible</b>	4	4	4 min.

**ANALYSIS****Background**

**Previous Actions on the Site:** There are no previously related planning applications at this site.

**Description of Proposed Project**

Mother Earth Clay Art Center is a proposed new artist's studio and instructional center that will provide a facility for making pottery from start to finish. The center will offer full-time memberships on a 24 hour basis, as well

as classes for the general public from Monday through Saturday. Both adults and children will be allowed to work at the center. The use will be in a 10,000 square foot existing industrial tenant space, which is a part of a building of 20,000 square feet.

### **Environmental Review**

A Class 1 Categorical Exemption relieves this project from California Environmental Quality Act, as amended, and in accordance with City Guidelines. Class 1 Categorical Exemptions include minor changes in use to existing facilities.

The City's hazardous materials specialist, from the Department of Public Safety, stated that no hazardous businesses were in the immediate vicinity. The specialist also stated that this site is an appropriate location for this type of use.

Mother Earth Clay Art will use two hazardous materials on site; clay and glazings. These two materials are considered hazardous in their dry state, if inhaled and with repeated exposure over a prolonged period. The clay and glazing used at the site will be used in their wet state, which reduces the toxic effect. Air purification and deionizing machines will be used throughout the facility to further cleanse the air. Employees who are responsible for handling the materials in their dry state will be trained on proper procedures.

### **Use Permit**

**Use:** The proposed Art Center is an educational and recreational type of business, offering both full-time memberships, as well as offering classes for the general public. The membership option provides full access to the studio for artists 24 hours a day. Instruction will be offered in classes up to 15 students in 8 classes per week, including classes for children. The center will be open from 10am to 7pm Monday through Friday, and Saturday from 10am to 2pm. There will be 5 full-time employees, including 3 instructors.

**Site Layout:** The proposed use will be in an existing building of 20,000 square foot industrial building which is comprised of two separate tenant spaces. The applicant is proposing to use the 10,000 square foot tenant space closest to Wolfe Road.

The interior of the 10,000 square foot space is comprised of offices, meeting rooms, and open floor area. No major reconfiguration of this space is planned, only minor tenant improvements to add tables, lockers, and sinks are proposed. The existing office areas will be used for general office activities and storage. The open floor areas will be used as the primary work space,

containing work benches, seats, etc. The applicant is not proposing any physical improvements to the exterior of the building.

**Landscaping:** The landscaping consists of multiple lawn areas along Lucerne Drive and several planting strips surrounding the site. The 16,832 square feet of landscaping equals 24% of the total site, where 20% is required by City code.

**Parking/Circulation:** There are currently 87 parking spaces on site, of which 4 are accessible spaces. The proposed use would require approximately 17 parking spaces under Sunnyvale Municipal Code 19.46.050 as a recreational use. The adjacent 10,000 square foot tenant space is currently vacant. The parking ratio for General Office is used in the table below to account for the projected required parking for this vacant space. This rate is used, rather than the R&D/General Industrial ratio, since General Office is a more restrictive rate and would project the most restrictive case scenario. Under this most restrictive scenario, there is sufficient parking available at the site.

<b>790 Lucerne Site Parking Analysis – Necessary Parking at the Site</b>			
<b>Type of Use</b>	<b>Square Footage</b>	<b>Parking Ratio</b>	<b>Number of Projected Necessary Spaces</b>
Mother Earth	10,000 s.f.	1 space/employee – 5 employees	5 spaces
		1 space/3 seats – 35 seats	12 spaces
Vacant Space	10,000 s.f.	1 space/ 225 s.f. (estimated use of General Office)	45 spaces
<b>Total</b>	<b>20,000 s.f.</b>		<b>62 spaces required</b>

The subject property is in the M-S Zone and currently there are no sidewalks at the site. The proposed use is changing from the previous Research and Development/General Office use, but would not trigger the requirement to provide sidewalks along public street frontages under SMC §19.38.080. The new use is not considered intensification over the previous use since the number of daily trips (AM or PM trips) is not increasing. Traffic fees will not be assessed for this project.

### **Compliance with Development Standards**

The proposed project complies with all current development standards. No further improvements are required at this time.

**Expected Impact on the Surroundings**

The surrounding uses on adjacent parcels are generally consistent with the Industrial and Service Zone. They include R&D and general office which operate during normal business hours Monday to Friday. Staff does not anticipate impacts to the adjoining properties as a result of this proposed use. Since the zoning designation is Industrial and Service, there is the possibility that future uses in the area could pose a more significant environmental hazard than do the current uses. Future uses could include a variety of manufacturing and industrial type businesses. Staff expects these types of uses to become less prevalent as office/R&D uses continue to occupy more space in the MS Zone.

The City has existing controls to mitigate potential environmental issues typically associated with uses in the MS Zone, but the possibility remains that one use could have negative effects on the other. Additionally, it is possible that the proposed Art Center could restrict future industrial or manufacturing uses on this site and on adjacent sites.

**Findings, General Plan Goals and Conditions of Approval**

Staff was able to make the required Findings based on the justifications for the Use Permit.

- Recommended Findings are located in Attachment 1.
- Recommended Conditions of Approval are located in Attachment 2.

**Fiscal Impact**

No fiscal impacts other than normal fees and taxes are expected.

**Public Contact**

<b>Notice of Public Hearing</b>	<b>Staff Report</b>	<b>Agenda</b>
<ul style="list-style-type: none"><li>• Published in the <i>Sun</i> newspaper</li><li>• Posted on the site</li><li>• Mailed to the adjacent property owners of the project site</li></ul>	<ul style="list-style-type: none"><li>• Posted on the City of Sunnyvale's Website</li><li>• Provided at the Reference Section of the City of Sunnyvale's Public Library</li></ul>	<ul style="list-style-type: none"><li>• Posted on the City's official notice bulletin board</li><li>• City of Sunnyvale's Website</li><li>• Recorded for SunDial</li></ul>

## **Alternatives**

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1. Approve the Use Permit with the Recommended Conditions of Approval found in Attachment 2.
2. Approve the Use Permit with modified Conditions of Approval.
3. Deny the Use Permit.

## **Recommendation**

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Alternative 1.

Prepared by:

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Steve Lynch  
Project Planner

Reviewed by:

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Diana O'Dell  
Senior Planner

Attachments:

1. Recommended Findings
2. Recommended Conditions of Approval
3. Site and Architectural Plans
4. Applicant's Letter of Justification

### **Recommended Findings - Use Permit**

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1. The proposed use attains the objectives and purposes of the General Plan of the City of Sunnyvale as the project.

#### **Land Use and Transportation Sub-Element**

**N1.3.** *Support a full spectrum of conveniently located commercial, public, and quasi-public uses that add to the positive image of the City.*

**N1.14.3.** *Encourage multiple uses of some facilities within the capacity of the land and the roadway system.*

The proposed use provides a valuable educational use and unique community resource within an existing industrial building. The Art Center would be conveniently located near major transportation arterials of the City (Central Expressway and Wolfe Road).

2. The proposed use is desirable, and will not be materially detrimental to the public welfare or injurious to the property, improvements or uses within the immediate vicinity and within the Zoning District.

The project is compatible with uses in the immediate vicinity, which contain uses that are traditionally found in the MS Zone. The project will not negatively impact adjacent properties or significantly increase noise and traffic in the neighborhood. Residential uses are not located in close proximity to the proposed use.

### **Recommended Conditions of Approval**

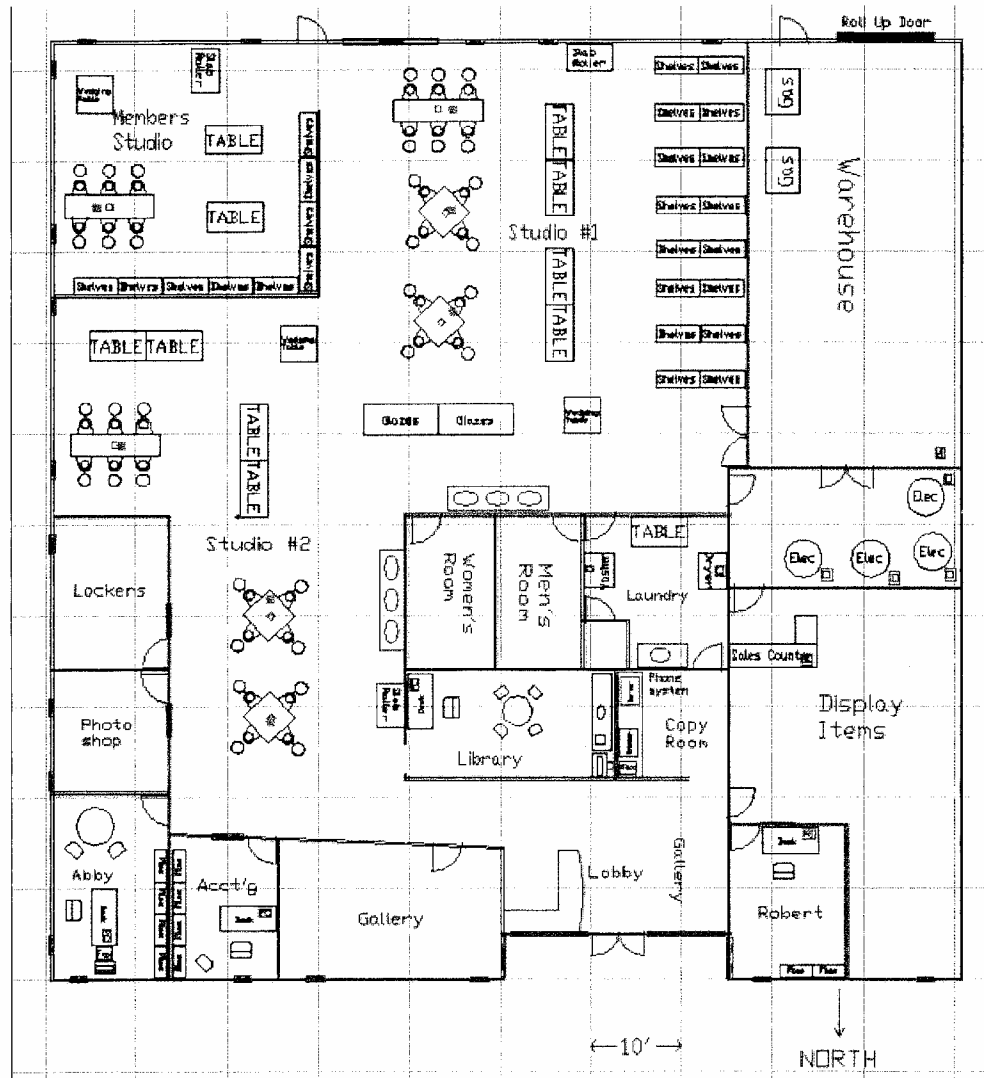
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In addition to complying with all applicable City, County, State and Federal Statutes, Codes, Ordinances, Resolutions, the Permittee expressly accepts and agrees to comply with the following Conditions of Approval for this Permit.

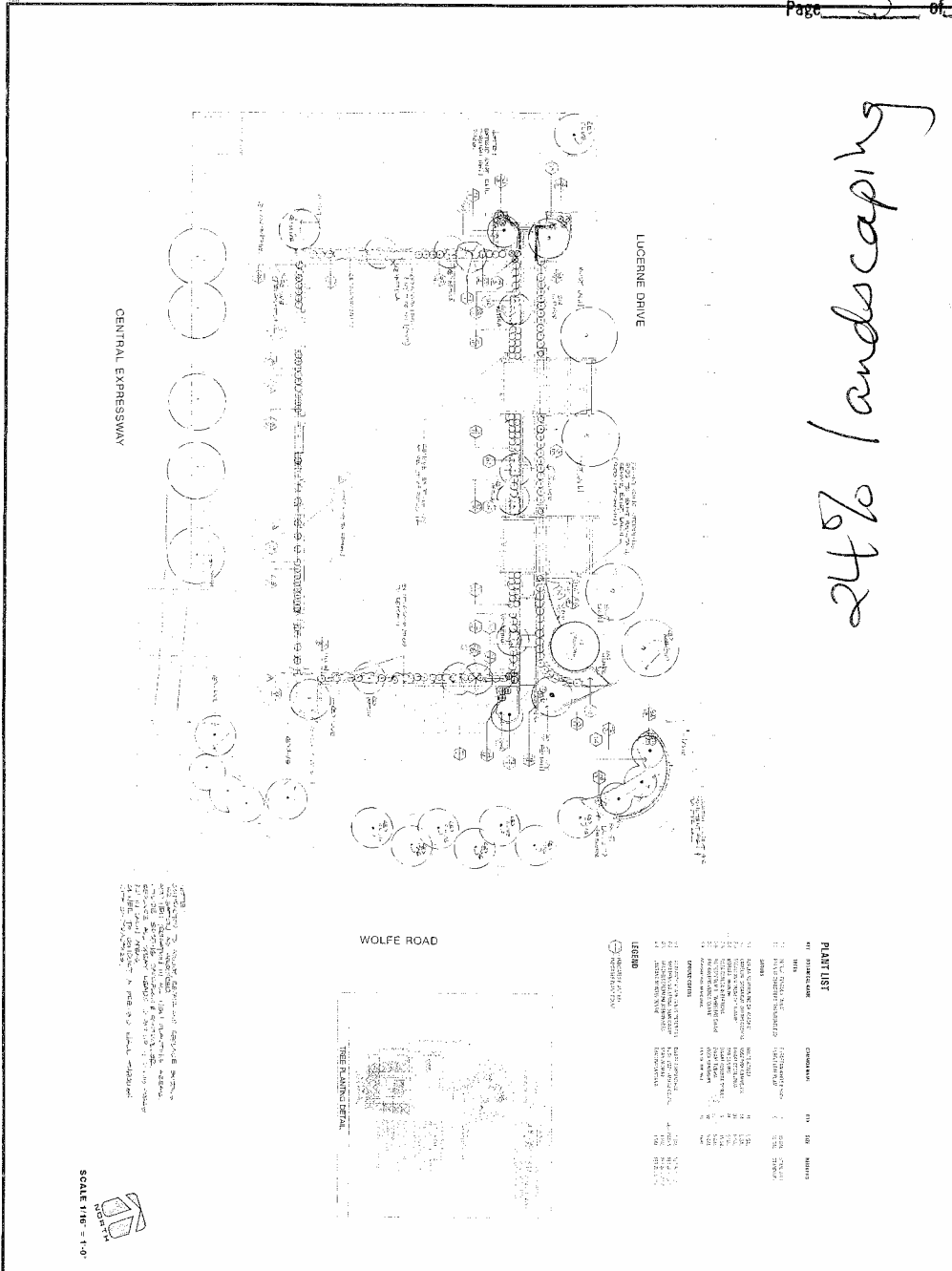
1. Obtain Building Permits prior to construction for the proposed work at the site.
2. The conditions of approval shall be reproduced on a page of the plans submitted for a Building permit for this project.
3. This Use Permit shall be null and void two years from the date of approval by the final review authority at a public hearing if the approval is not exercised, unless a written request for an extension is received prior to expiration date.
4. The Use Permit for the use shall expire if the use is discontinued for a period of one year or more.
5. Hours of operation for instructional classes shall be limited to the following hours: Monday through Saturday 10:00 a.m. to 7:00 p.m.
6. 24 hour access is only allowed for members of the Art Center.
7. No food preparation or sales of food are allowed on site.
8. There are a total of 87 spaces available at the site. Approximately 45 of the 87 spaces are to be made available for the currently vacant R&D/General Office use in the adjacent 10,000 sf tenant space. Mother Earth Art Center is allowed to use the remaining 42 spaces for any combination of students and employees, but at no time can exceed the maximum number of required spaces. If Mother Earth Art Center requires more than these 42 spaces, then a modification to the Use Permit is required.
9. Obtain a business license from the City of Sunnyvale Revenue Division prior to commencement of use.
10. Once the business is established, the owner shall contact the City to coordinate a site visit by the City's Hazardous Materials specialists, in order to determine if there are any regulated materials or hazardous waste on site.



Mother Earth Clay Art Center  
Floor Plan for 790 Lucerne Drive, Sunnyvale



24% landscaping



**PLANT LIST**

NO.	SYMBOL	COMMON NAME	QTY	SIZE	REMARKS
1	(Symbol)	SPREADER	1	10"	SPREADER
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SCALE 1" = 10'



ATTACHMENT 4

Page 1 of 1

**Mother Earth Clay Art Center, LLC.**

Location: 790 Lucerne Drive, Sunnyvale 94085

Type of Business: Ceramic Art Studio (recreation/education)

Business Hours: 10AM to 7PM, Monday through Friday, 10AM to 2PM Saturdays

Employees: Three employees, plus <sup>two</sup> ~~three~~ independent contractors for instructors.

Business Owner: Dr. Abigail O'Connell  
Home Address: 585 Carlisle Way, Sunnyvale 94087  
Phone: 408-313-7050 (cell)  
Email: Abbyo@Mamasclay.com

Products/Services Offered: a) Instruction in Ceramic Arts (both children and adults);  
b) Memberships (shared studio for artists to work)  
c) Sale of clay, glazes, tools, members' artwork to students/members.

Classes: 15 students per class, operating in two studios, 8 classes per week.

People on Site: 15 students x 2 classrooms (30) + 3 employees + 5 members + 2  
instructors = 40 people on site at any given time (maximum)

**Use Permit Justification: This business will bolster the arts community in Sunnyvale. Many local ceramic art programs have experienced funding cut backs and there is a need for more ceramic classes and studio availability. No changes are needed for the exterior of the building, and there will be no environmental impact to the neighborhood.**